

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAPTIX, INC.,

Plaintiff,

v.

NEC CASIO MOBILE COMMUNICATIONS
LTD., NEC CORPORATION OF AMERICA,
and CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Defendants.

Civil Action No. 6:13-cv-922-MHS-CMC

JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY TO DEFENDANT'S
FIRST AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS**

Plaintiff, ADAPTIX, Inc. ("Adaptix"), replies to Defendant's, Cellco Partnership d/b/a Verizon Wireless ("Verizon"), First Amended Answer, Defenses, and Counterclaims as follows:

COUNTERCLAIMS FOR DECLARATORY JUDGMENT

This is an introductory paragraph and no response is required. To the extent a response is required, Adaptix denies all allegations contained therein.

NATURE OF THE ACTION

1. Adaptix admits that these Counterclaims arise from allegations of infringement against Verizon. Adaptix denies all other allegations of Paragraph 1.
2. Admitted.
3. Adaptix admits that it accuses Verizon of directly infringing, contributing to the infringement of, and/or inducing others to infringe U.S. Patent Nos. 7,454,212 ("the '212 Patent") and 6,947,748 ("the '748 Patent"). Adaptix denies all other allegations of Paragraph 3.

4. Admitted.

JURISDICTION AND VENUE

5. Admitted.

6. Adaptix admits that venue is proper in this District pursuant to 28 U.S.C. §§ 1367 and 1391. Adaptix denies all remaining allegations in Paragraph 6.

PARTIES

7. Admitted.

8. Admitted.

COUNTERCLAIM COUNT I
(Non-Infringement of U.S. Patent No. 7,454,212)

9. Adaptix repeats and realleges the responses to Paragraphs 1-8 of the Reply as if fully set forth herein.

10. Denied.

11. Denied.

COUNTERCLAIM COUNT II
(Invalidity of U.S. Patent No. 7,454,212)

12. Adaptix repeats and realleges the responses to Paragraphs 1-11 of the Reply as if fully set forth herein.

13. Denied.

14. Denied.

COUNTERCLAIM COUNT III
(Non-Infringement of U.S. Patent No. 6,947,748)

15. Adaptix repeats and realleges the responses to Paragraphs 1-14 of the Reply as if fully set forth herein.

16. Denied.

17. Denied.

COUNTERCLAIM COUNT IV
(Invalidity of U.S. Patent No. 6,947,748)

18. Adaptix repeats and realleges the responses to Paragraphs 1-17 of the Reply as if fully set forth herein.

19. Denied.

20. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Counterclaims fail to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Verizon infringes one or more claims of U.S. Patent Nos. 7,454,212 and 6,947,748.

PRAYER FOR RELIEF

WHEREFORE, Adaptix respectfully requests that this Court:

- a. Enter judgment in favor of Adaptix on all issues set forth in Verizon's First Amended Answer, Defenses, and Counterclaims;
- b. Deny all relief requested in Verizon's First Amended Answer, Defenses, and Counterclaims;
- c. Grant the relief requested by Adaptix in its Complaint, and
- d. Grant Adaptix such further relief as this Court may deem just and proper.

JURY DEMAND

Adaptix demands trial by jury on all issues set forth in Verizon's First Amended Answer, Defenses, and Counterclaims so triable.

Date: August 12, 2014

ADAPTIX, INC.

By: /s/ Paul J. Hayes

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with the Local Rule CV-5 on August 12, 2014. As such, this document was served on all counsel of record who are deemed to have consented to electronic service per Local Rule CV-5(b)(1).

/s/ Paul J. Hayes